

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested.

Claims 1-8 and 11-14 are in the case.

In a discussion with the Examiner, Ms. Kumar, on November 17, 2003, she confirmed that the amendment of June 10, 2003 has been entered. Further, she was advised by the undersigned that a Declaration Under 37 C.F.R. § 1.132 will shortly be filed and she agreed to await receipt of such Declaration before acting on this case. A Declaration thus is herewith submitted additionally demonstrating the unobvious nature of the claimed invention.

It is again submitted that the stripping process of Fono is not comparable to the claimed process, the claimed process being distinctly different and providing for unobviously superior results. As so shown by direct comparative evidence in the Declaration, unobviously superior results in the controlled partial decolorization of Denim material, particularly with regard to the desired Jeans effect. According to the process of the present invention the typical Jeans character is fully retained and even somewhat enhanced, whereas according to the process of Fono the Jeans character is completely lost. Accordingly, the process of Fono is not applicable for lightening of jeans textile material. In the process of Fono the white weft yarns of the Denim material are strongly stained by the dyestuff dissolved from the warp whereas in the process of the present invention such staining is avoided so that the wefts remain white. Such manifestly is an unobvious result being clearly not foreseeable.

Further, in the Declaration there is clearly set out the difference between the present lightening process for Vat dyeings, particularly for indigo dyeings, and Beckmanns post-cleaning process for polyester dyeings. With the present process pigments of vat dyes, being trapped inside a cellulose fiber of warp yarn, are partially dissolved and removed from the fiber, whereby deposition of the dissolved dyestuff onto the white weft yarn is inhibited. In

the process of Beckmann, on the other hand, a molecular dispersed thin adsorption layer of Disperse dyestuff is removed from the free surface of a polyester filament.

Note that in the Declaration Comparison is made between Fono's Example 18 and the present process inasmuch as this Example is the closest Example being concerned with stripping of a vat dyeing. Also, of course, in reductive stripping or lightening processes the concentration of reducing agents (hydroxyalkanesulfinat or aminoalkanesulfonate, respectively) has to be adjusted to the specific redox potential of the dyestuff in question. In Fono's Example 18, a cotton textile material dyed with Ponsol Olive T is partially stripped using liquor containing 1 g/l sodium hydroxymethyl sulfinate. An indigo dyeing, immersed in such a liquor under the same conditions remains absolutely unchanged. Hence, with an indigo dyeing a considerably higher concentration of sodium hydroxymethyl sulfinate has to be used in order to obtain a lightening or stripping effect.

As described in the present application, it is preferred to use an about equimolar mixture of aminoalkane sulfinat and aminoalkane sulfonate as lightening agent. Such a mixture, commercially available under the tradename <sup>TM</sup>Cyclanon ECO from BASF, thus was used in the comparison Example according to the present invention.

On the cardboard of the showing said equimolar mixture has been identified by the formula  $N-(-CH_2-SO_3)_{1,5}(CH_2-SO_2)_{1,5}Na_3$ .

Accordingly, an action on the merits and allowance of the claims is solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)  
SHB:smi

A handwritten signature in black ink, appearing to read 'Norman F. Oblon', is written over a horizontal line.

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Samuel H. Blech  
Registration No. 32,082